

FILED '06 JUN 06 10:46 USDC-ORP

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**RODOLFO LEYVA-GRAVE-DE-
PERALTA,**

No. 05-CV-1529-PA

Petitioner,

v.

**SHARON BLACKETTER,
Superintendent, Eastern Oregon
Correctional Institution,**

**ORDER GRANTING MOTION FOR
VOLUNTARILY DISMISSAL AND
AGREEMENT REGARDING
STATUTE OF LIMITATIONS**

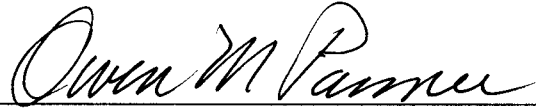
Respondent.

Upon consideration of the Motion to Voluntarily Dismiss and the period set for refiling, and the agreement of the parties,

IT IS HEREBY ORDERED that the petition for writ of habeas corpus filed on October 3, 2005, is hereby voluntarily dismissed with leave to refile upon exhaustion of state remedies;

IT IS FURTHER ORDERED that, notwithstanding the statute of limitations set out in 28 U.S.C. § 2244, Mr. Leyva-Grave-De-Peralta shall have 180 days within which to file a new petition

for writ of habeas corpus in this Court from the date of conclusion of his state post-conviction and post-conviction appellate proceedings.



The Honorable Owen M. Panner
Senior Judge, United States District Court

6/2/06

Submitted by:



Caroline L. Davidson
Assistant Federal Public Defender